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6 Attorneys for Defendants
7 Nationstar Mortgage LLC d/b/a Mr. Cooper
and U.S. Bank National Association, as
8 Trustee for WOV ML Pass-Through Trust I

9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 STEVE F. TIBBETTS and
12 TAMBERLYN TIBBETTS,

13 Plaintiffs,

14 vs.

15 KELLER MORTGAGE, LLC dba
KELLER MORTGAGE, NATIONSTAR
MORTGAGE LLC, and NATIONSTAR
MORTGAGE LLC, dba MR. COOPER,
16 U.S. BANK NATIONAL
ASSOCIATION and DOES 1-20,
17 inclusive,

18 Defendants.

19 Case No.: 2:23-cv-00596-JAM-CKD

20 **NATIONSTAR MORTGAGE LLC
d/b/a MR. COOPER'S NOTICE OF
NON-RECEIPT OF OPPOSITION
AND REPLY IN SUPPORT OF ITS
MOTION FOR PROTECTIVE
ORDER**

21 Complaint Filed: January 18, 2023
22 Second Amended: June 27, 2023
23 Third Amended: November 1, 2023
24 Trial Date: July 7, 2025

25 Hearing Date: January 8, 2025
26 Time: 10:00 am
27 Judge: Carolyn K. Delaney
28 Courtroom: 24

1 **TO THE COURT, ALL PARTIES, AND ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that the hearing on Defendant Nationstar Mortgage
3 LLC d/b/a Mr. Cooper's ("Nationstar"), motion for protective order and motion to
4 prevent the December 4, 2024 deposition of a single Nationstar employee is scheduled
5 for January 8, 2025 at 10:00 AM in Courtroom 24. Nationstar filed the motion on
6 November 25, 2024. Doc. No. 61.

7 Pursuant to L.R. 230(c), Plaintiffs were required to serve and file any
8 opposition to Nationstar's motion on or before December 9, 2024. They did not. This
9 failure to oppose suggests Plaintiffs consent to the motion and/or have no basis to
10 challenge the motion. L.R. 230(c) ("No party will be entitled to be heard in opposition
11 to a motion at oral arguments if opposition to the motion has not been timely filed by
12 that party. A failure to file a timely opposition may also be construed by the Court as
13 a non-opposition to the motion.") (internal citation omitted).

14 Accordingly, Plaintiffs' failure to serve and file a timely opposition should be
15 considered an abandonment of their claims for the deposition and Nationstar requests
16 the Court grant its motion for protective order and motion prohibiting the deposition
17 of Nationstar's employee, Jeremy Kasza.

18
19 Dated: December 10, 2024

TROUTMAN PEPPER
HAMILTON SANDERS LLP

20
21 By: /s/ Holly E. Cheong
22 Justin D. Balser
Holly E. Cheong

23 Attorneys for Defendants
24 Nationstar Mortgage LLC d/b/a Mr.
25 Cooper and U.S. Bank National
Association, as Trustee for WOV ML
Pass-Through Trust I

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CERTIFICATE OF SERVICE

2 I hereby certify that on December 10, 2024, a copy of the foregoing
3 **NATIONSTAR MORTGAGE LLC d/b/a MR. COOPER'S NOTICE OF NON-**
4 **RECEIPT OF OPPOSITION AND REPLY IN SUPPORT OF ITS MOTION**
5 **FOR PROTECTIVE ORDER** was filed electronically. Notice of this filing will be
6 sent by e-mail to all parties by operation of the court's electronic filing system or by
7 mail to anyone unable to accept electronic filing as indicated on the Notice of
8 Electronic Filing. Parties may access this filing through the court's CM/ECF system.

/s/ Holly E. Cheong

Holly E. Cheong